

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Jack Rogers and Paul Pinella,

Plaintiffs,

v.

Comcast Corporation  
and AT&T Broadband,

Defendants.

Civil Action No.: 04-10142 EFH

**PLAINTIFFS' ASSENTED-TO MOTION TO CHANGE THE DATE FOR  
THE SCHEDULING CONFERENCE FROM MARCH 23 TO MARCH 30, 2004**

Plaintiffs respectfully move this Honorable Court to change the date of the scheduling conference from its currently scheduled date of Tuesday, March 23, 2004 to Tuesday, March 30, 2004 at 2:00 p.m.

In support of their Motion, plaintiffs state the following:

1. The Court has scheduled a Rule 16 scheduling conference in the companion case *Kristian, et al v. Comcast Corporation, et al*, Civil Action No. No. 03CV12466 EFH for Tuesday, March 30, 2004 at 2:00 p.m.<sup>1</sup> The same attorneys who will be appearing for the scheduling conference in this case will also be appearing for the scheduling conference and oral argument in the *Kristian* case. Key attorneys for both sides will be traveling to Boston from various locations throughout the United States to attend these hearings.

2. Conducting both the oral argument and the status conference in the *Kristian* case on the

<sup>1</sup> Plaintiffs in the *Kristian* case have also moved that argument on *Plaintiffs' Motion to Enter a Practice and Procedure Order*, scheduled for Wednesday, March 17, 2004 be rescheduled to March 30, 2004 -- the same date as the scheduling conference.

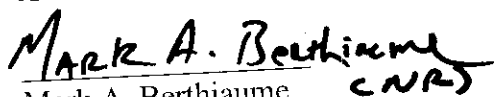
same date as the scheduling conference in this case will significantly reduce costs and expenses for both plaintiffs and defendants.

3. Finally, defendants' counsel has assented to this Motion.

WHEREFORE, plaintiffs request that this motion be ALLOWED and that the scheduling conference be moved to March 30, 2004 at 2:00 p.m.

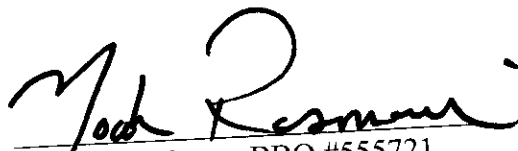
DATED: March 16, 2004

ASSENTED TO:

 *Mark A. Berthiaume*  
*CNR*

Mark A. Berthiaume  
SEYFARTH SHAW LLP  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, MA 02210-2028  
Phone: 617-946-4800  
Fax: 617-946-4801

**Counsel for Defendants**

 *John Peter Zavez*

John Peter Zavez, BBO #555721  
Noah Rosmarin, BBO #630632  
ADKINS KELSTON & ZAVEZ, P.C.  
90 Canal Street  
Boston, MA 02114  
Tel: (617) 367-1040  
Fax: (617) 742-8280

Ann D. White  
Carol A. Mager  
MAGER WHITE & GOLDSTEIN, LLP  
One Pitcairn Place, Suite 2400  
165 Township Line Road  
Jenkintown, PA 19046  
Tel: (215) 481-0273  
Fax: (215) 481-0271

Samuel D. Heins  
Stacey L. Mills  
Alan I. Gilbert  
Daniel C. Hedlund  
David Woodward  
HEINS MILLS & OLSON, P.L.C.  
3550 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Tel: (612) 338-4605  
Fax: (612) 338-4692

Barry Barnett  
Max Tribble, Jr.  
SUSMAN GODFREY LLP  
901 Main Street, Suite 4100

Dallas, TX 75202  
Tel: (214) 754-1900  
Fax: (214) 754-1933

Jonathan Shaw  
SUSMAN GODFREY LLP  
1201 Third Avenue, Suite 3100  
Seattle, WA 98101  
Tel: (206) 516-3836  
Fax: (206) 516-3883

Robert N. Kaplan  
Gregory K. Arenson  
Christine M. Fox  
KAPLAN FOX & KILSHEIMER LLP  
805 Third Avenue, 22<sup>nd</sup> Floor  
New York, NY 10022  
Tel: (212) 687-1980  
Fax: (212) 687-7714

Lynn Lincoln Sarko  
Mark A. Griffin  
John H. Bright  
Raymond J. Farrow  
KELLER ROHRBACK, L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel: (206) 623-1900  
Fax: (206) 623-3384

Michael Hausfeld  
Stewart Weltman  
COHEN, MILSTEIN, HAUSFELD  
& TOLL, P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 500, West Tower  
Washington, DC 20005  
Tel: (202) 408-4600  
Fax: (202) 408-4699

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
by mail (~~by hand~~) on this date 3/16/04



**Counsel for Plaintiffs**

ADKINS, KELSTON & ZAVEZ, P.C.

ATTORNEYS AT LAW

90 Canal Street

Fifth Floor

Boston, MA.

02114

TELEPHONE

617-367-1040

FACSIMILE

617-742-8280

WEBSITE

[www.akzlaw.com](http://www.akzlaw.com)

E-MAIL

[akz@akzlaw.com](mailto:akz@akzlaw.com)

March 16, 2004

Civil Clerk  
United States District Court for  
the District of Massachusetts  
One Courthouse Way  
Boston, Massachusetts 02110

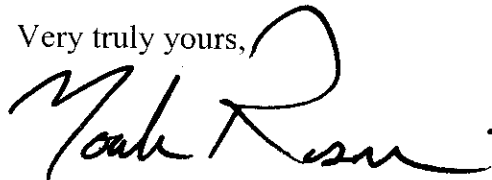
RE: Jack Rogers, et al v. Comcast Corporation, et al  
Civil Action No. 04-10142 EFH

Dear Sir or Madam:

Enclosed please find *Plaintiffs' Assented-To Motion To Change The Date For The Scheduling Conference From March 23 To March 30, 2004.*

Thank you for your attention to this matter.

Very truly yours,



Noah Rosmarin

enclosure

cc: Counsel of Record (w/enc.)